IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.3281 OF 1997

Smt.Chand Sultana
Abdul Jabbar Sayyed. .. Petitioner

Vs.

The Education Officer (Primary)
Zilla Parishad, Solapur, & Ors. .. Respondents

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Shri S.G.Kudle for the petitioner.

Shri Nitin Jamdar for respondent No.1.

Shri C.R.Sonawane, AGP for respondent No.2.

None present for respondent Nos.3 and 4.

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CORAM : R.M.S.KHANDEPARKAR &
SMT.R.S.DALVI, JJ.

DATED : 24th MARCH, 2006

P.C.

1. Heard the learned advocates for the petitioner, the respondent No.1 and the learned AGP for the respondent No.2. None present for the respondent Nos.3 and 4, though served.

2. The grievance of the petitioner relates to the failure on the part of the management to pay salary

inspite of services having been rendered by the petitioner as the Assistant Teacher in the institution of the respondent Nos.3 and 4. The records apparently disclose that the respondent No.1 by letter dated 2nd November, 1996 had specifically directed the respondent No.3 that pursuant to the inquiry, appointment of the petitioner was found to be proper, and therefore, the institution was required to submit pay bill to the competent authority so that grant-in-aid could be released for the payment of salary of the petitioner. The records do not disclose that the order issued by the respondent No.1 had been complied with by the management. The records further disclose that the Deputy Director of Education, Pune Division, Pune, had specifically directed the Education Officer, Solapur, to forthwith release the salary of the petitioner for the period from June, 1995 to June, 1997 under the letter dated 14th July, 1997, after filing the petition. The records, however, nowhere disclose as to why the salary for the period from 1st June, 1994 to 31st May, 1995 was not released. The learned AGP for the respondent No.2 states that it was obviously, because, no pay bills in that regard were submitted by the institution of the respondent Nos.3 and 4 to the respondent No.2 for being processed in accordance with the provisions of

law.

3. The respondent Nos.3 and 4, though duly served, have remained absent. They have also not filed any reply to the petition. Obviously, the statements by the petitioner have gone unchallenged and deemed to have been established as true. Once it is not in dispute that the petitioner was appointed and has rendered services for the institution of the respondent Nos.3 and 4 for the period from 1st June, 1994 to 31st May, 1995 and has continued to render such services even thereafter duly recognized by the respondent Nos.1 and 2, we fail to understand as to why there was reluctance on the part of the institution to submit pay bills in relation to the services rendered by the petitioner from the period from 1st June, 1994 to 31st May, 1995. This is clearly a case of harassment to the teacher who has rendered her services for the institution for the said period. Apparently, inspite of having rendered the services as long back as in the years 1994 and 1995, the respondents had not paid her salary. Being so, apart from directing the respondents to submit pay bills within the specified period and further to release pay for the said period from 1st June, 1994 to 31st May, 1995, the respondent Nos.3 and 4 are

required to be saddled with costs as well as direction for payment of interest on the said payment which has remained to be paid.

4. Accordingly, the petition is allowed and the respondent Nos.3 and 4 are directed to submit pay bills in relation to the services rendered by the petitioner for their institution for the period from 1st June, 1994 to 31st May, 1995. The pay bills shall be submitted by the respondent Nos.3 and 4 within a period of two weeks from the date of receipt of the writ from this Court and the respondent Nos.1 and 2 shall pass appropriate order in that regard within four weeks from the date of receipt of the pay bills and shall release the pay, under any circumstances, within a period of four months from today along with the interest at the rate of 10% per annum from 1st June, 1995 till the date of payment. The liability to pay interest shall be exclusively of the respondent Nos.3 and 4. The respondent Nos.3 and 4 shall also pay costs of Rs.2,000/- to the petitioner. The rule is made absolute accordingly.

(R.M.S.KHANDEPARKAR, J)

(SMT.R.S.DALVI, J)